A BRIEFE AND CLEARE DECLARATION OF SVNDRY POINTES

Absolutely disliked in the lately enacted Oath of

ALLEGIANCE,

proposed to the Catholikes of England.

TOGEATHER

With a Recapitulation of the whole worke newly written by a learned Deuine, concerning the same Subiect.

By H. I.

Permissu Superiorũ. Anno M. DC. XI.

A PRIEST

AND CLERK

DECLARATION

OF

SUNDRY POINTS

Absolutely ruled in the Jurisdiction of

CLERICALS,

proposed to the Curbikes of England.

TOGETHER

With a Recapitulation of the whole work

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same Subject.

D. H. I.

1831. 15

Permitta Superiorū. Anno M. DC. XX.

To the Reader.

GOOD Reader, hauing heard it often vvished both by Protestants & Catholicks, that some cleare declaratiõ vvere made, to shevv vvhat partes of the Oath are iustly excepted against, and for vvhich the vvhole is iudged vnlavvfull: and I alvvayes deeming the demaund reasonable, vvas the sooner inclined to giue thee some kind of satisfaction in this matter; hauing a fit opportunity presented vnto me for this purpose.

There is lately come to my hãds a Booke, vvhich both learnedly & largely treateth of this ſubiect, in ſo ſolide and exquiſite a manner, as vvere it to be had in England (vvhich as yet I thinke is not,) I doubt not, but by reading thereof, thou vvouldeſt receaue full ſatisfaction, and be able euidently to ſee, that not vvant of dutifull affection to his Maieſtie and the preſent State; but the feare vvhich Catholickes haue of offending the Maieſtie of Allmighty God, and their care of preſeruing their Conſciences from violating the fayth vvhich they profeſſe, is the only cauſe that moueth them to declyne in ſome ſort from the exact performance of his Maieſties Commaundement in this behalfe.

The Booke it ſelfe is in Latin, and

and greater then can be tranſlated in fevv dayes : and of the Latin copies I thinke fevv are yet to be had. That therefore thou mayſt haue ſome taſte in the meane tyme of that, vvherof thou ſhalt herafter, as I hope, be able to ſatisfie thy ſelfe in more full manner; I ſend thee in as fevv vvordes, as I can, the ſume and ſubſtance of this vvorke, vvith the Declaration vvhich the Author maketh in the end of his Booke of ſuch partes of the Oath, as eyther are expreſſely contrary to the Fayth and Doctrine of the Catholicke Church, or ſome vvay doubtfull, and inuoluing daunger of periury. And if by reaſon of the breuity vvhich I intend I shal ſomtymes ſeeme obſcure: thou maieſt shortly chance to haue a vievv of the Booke it ſelf, and from thence

receaue a more plaine and cleare explication of vvhat thou desireſt. In the meane tyme take this my ſmall labour in good part: and ſo I end, committing thee to the Almighties protection.

This first of April 1611.

H. I.

OF THE DIVISION OF THE BOOKE: and Contents of the first Part.

THIS Booke is deuided into 2. principall partes. In the first, he prooueth, that the Bishop of *Rome* is the Head, and *Vniuersall Pastour* of the whole Church of Christ. In the secõd, that his authority extẽdeth it self, not only to the gouerning, directing, & punishing of priuate men, but also of Princes, Kings, and Emperours, or whatsoeuer other degree or state may be included within the sheep-fold and flock of Christ. He affirmeth the first verity, that is, the authority of the Bishop of *Rome*, as of the Head and Chiefe Pastour of the Vniuersall Church of Christ,

Chriſt, to be euidently deduced out of holy Scripture, and to haue beene defined, or at leaſt clearely inſinuated in 8. generall Councells, to which not only the Latins, but alſo the Paſtours of the Greeke Church did ſubſcribe: And he proueth this matter by ſeauen different kind of arguments.

The firſt, by the Confeſſion and Conſent of the whole Chriſtian world. The ſecond, by ſundry paſſages of holy Scripture, clearly explicated and defended frō the vaine cauils of the Aduerſaries: and confirmeth the interpretation, & ſenſe of thoſe places with the authority of the Ancient Fathers of the Primitiue Church. He alſo includeth in this kind of argument, many reaſons grounded in holy Scripture, and euidently conuincing his intended purpoſe. His 3. ſort of proofe is out of the authority of Generall Councells. Firſt, out of the firſt Councell of *Nice*, whence he proueth that the Biſhop of *Rome* is the Head and Prince of all other Patriarches; alledging theſe words which the Coūcel ſetteth down for reaſon therof: *Quandoquidē ipſe eſt Primus, ſicut Petrus, cui data eſt poteſtas in omnes Principes Chriſtianos*. Foraſmuch as he is the Chiefe in like manner, as *Peter* was, to whome was giuē power ouer all Chriſtian Princes. The like he proueth out of the Councell of *Sardis*, in which were preſent 300. Biſhops.

His 3. argument he taketh out of the firſt Councell of *Conſtantinople*: and the 4. out of that of *Epheſus*. The 5. out of the Coūcell of *Chalcedō*, where

where it is sayd in the first Action of that Councell, in which were present 630. Bishops, *That Rome was the Head of all Churches:* and diuers other very effectuall testimonies he deduceth out of that Coũcell.

His 6. argument he taketh out of the second Councell of *Nice:* where the Chaire of *S. Peter* is affirmed to be the Head of all Churches, & to haue the preheminence and superiority ouer the whole world. And the like he proueth very forcibly out of the 4. Councell of *Constantinople:* and againe out of the great Councell of *Lateran*; wherin were gathered togeather out of all Nations of the whole world 1215. graue and learned Fathers: of which number 484. were Bishops.

His 9. testimonie he taketh out of the second Councell of *Lyons*, vnder *Gregory* the 10. in which were 500. Bishops: and in all togeather with Doctours and Prelates of Christs Church, to the number of 1560. His 10. testimony is out of the Councell of *Florence*, where it was defined, that the Bishop of *Rome* was the successour of *S Peter*, the Vicar of Christ, the Head of the whole Church, and the Father and Doctour of all Christians.

In all these ten Oecumenicall & generall Coũcels, wherof 7. were celebrated among the Greeks, & the other three among the Latins, but subscribed also by the Grecians; the authority of the Bishop of *Rome* ouer the whole Church of God is either clearly acknowledged or expressely defined. Besides the aboue named, there are fiue other Generall Coun-

cels, in which the Greekes were not preſent; wherin this truth is expreſſely deliuered. The firſt, is the firſt Councell of *Lyons* vnder *Innocent* the 4. The ſecond, the Councel of *Vienna* vnder *Clement* the 5. The third, that of *Conſtance*. The fourth, that of *Lateran* vnder Leo the 10. And the fifth is the Councell of *Trent*. So as he deduceth and euidently proueth this Catholicke doctrine out of 15. Generall Councels, with admirable clearenes and efficacy.

His fourth kind of proofe he taketh out of the Decrees of the Biſhops of *Rome*, *Anacletus*, *Euariſtus*, *Alexander*, *Xiſtus*, *Pius*, *Anicetus*, *Victor*, *Zepherinus*, *Calliſtus*, *Xiſtus* 2. *Dionyſius*, *Marcellus*, *Euſebius*, *Melchiades* and others, all ancient and holy Popes, that liued in the beginning of Chriſt his Church. He proueth it alſo by diuers other Popes, who are admitted without exception, as *Iulius*, *Siricius*, *Zoſimus*, *Anaſtaſius*, *Innocentius* the firſt, *Celeſtinus*, *Leo* the firſt, *Gelaſius*, *Anaſtaſius* the ſecond, *Bonifacius* the ſecond, *Ioannes* the ſecond, *Vigilius*, *Pelagius* the firſt, *Pelagius* the ſecond, and laſtly our holy and moſt worthy Apoſtle *S. Gregory*; out of whoſe workes he produceth many and very cleare teſtimonies, in proofe of this matter. Which argument muſt needs be acknowledged to haue great force, being deduced out of the teſtimonies of ſuch as liued within the firſt 600. yeares.

His 5. proofe is out of the teſtimonies of the ancient Fathers *Irenæus*, *Tertullian*, *Euſebius*, *Cyprianus*,

prianus, *Athanasius*, *Basilius*, *Gregorius Nazianzenus*, *Chrysostomus*, *S. Ambrose*, *Optatus Mileuitanus* *Prudentius*, *S. Hierome*, *S. Austen*, *Seuerus Sulpitius*, *Vincentius Lyrinensis*, *Victor Vticensis*, *Episcopus Metropolis Arelatensis*, *Ennodius*, *Fulgentius*, *Cassiodorus*, and *Liberatus Archidiaconus Carthaginensis*. The testimonies of all these Fathers, who also liued within the first 600. yeares he explicateth with great perspicuitie, and refelleth the obiections and cauills made by the aduersaries against them.

His 6. proofe is grounded in the testimonies of Emperours and Princes, *Gratian*, *Valentinian*, and *Theodosius* Emperours, who liued more then 200. yeares before that *Phocas* called *Bonifacius* the *Vniuersall Bishop*, whom the aduersaries would haue the first introducer of that title and authoritie of the Pope. But of these 3. Emperours he produceth very forcible proofs of this matter. And the like he also doth out of *Marcian* and *Iustinian*.

His 7. proofe he taketh from sundrie different reasons, and presumptions. First out of the Lawes & Ordinations of the Popes giuen to all Prouinces of the world. Secondly, of the punishments which they haue threatened & executed in all Countreys. Thirdly, for that they haue sent Legates & appointed officers in all Nations. Fourthly, he deduceth the same proofe out of the vsuall custome of reseruing the determination of certayne weightie causes to the Sea of *Rome*. Fifthly, out of the appellations from all other places to *Rome*, & the recalling

of the iudgments and ſentences of other Biſhops. Sixtly, he proueth the ſame out of the preheminẽt authoritie, which was attributed vnto Popes in Generall Councells. Seauenthly, with great efficacie and perſpicuitie he proueth the ſame veritie out of the vnitie of our faith.

And hauing thus out of holy Scriptures, Coũcells, Decrees of Biſhops, Teſtimonies of ancient Fathers, and ſundry other perſpicuous and cleare reaſons demonſtrated, that the Biſhop of *Rome*, euen in the firſt age of Gods Church, and within the firſt 600. yeares hath bene acknowledged for the Vicar of Chriſt, and exerciſed anſwerable iuriſdiction and authoritie ouer the whole Church of God, he paſſeth to the ſecond part of his Booke, promiſing to anſwere in the 2. Section thereof, ſome ſleight obiections made by the aduerſaries againſt the doctrine, which he had defended and proued, as before is expreſſed.

The Contents of the Second Part.

IN the ſecond part he explicateth how farre the Iuriſdiction of the Pope doth extend it ſelfe; and deuideth this Treatiſe into 3. Sections.

In the firſt, he ſetteth downe the ſtate of the pre-

present Controuersie; and the different opiniõs and sentences of the learned about this matter: and proueth the Doctrine of the Catholickes by 5. different kindes of arguments. In the 2. Section he setteth down the cauills and obiections of the aduersaries against the doctrine of the Catholicks: and refuteth thẽ largely & with great perspicuity. In the 3. he declareth in what degree of certitude this Catholike doctrine is: and giueth his iudgement of the particular points of the *Oath* which is called of *Allegiance*.

He sheweth in the beginning of his first Sectiõ the doctrine of the Protestants to be, that the Bishops of *Rome* haue no authority at all ouer Princes, and that he cannot in any case dispose of their dominions or temporall iurisdictions: and that Doctor *Barkley* is almost of the same opinion in a booke lately published in his name; in which he teacheth: first, that the Bishop of *Rome* is the *Vicar of Christ*, the *Successor of S. Peter*, and the *Pastor of the whole Church*: and that he hath most full and ample power in spirituall matters. In which also Princes are subiect vnto him, as sheep to their Pastour. Secõdly, that he hath no authority at all, neyther direct nor indirect to dispose of the temporall rights or goods of lay men, much lesse of Princes: so as for no cause whatsoeuer can he depriue them of their temporall dominions or iurisdictions. And lastly, he affirmeth that the Popes, and all other Ecclesiasticall persons haue bene subiect in all ages to secular Princes, and in

ſecular matters iudged and puniſhed by them.

This ſentence ſo explicated, this Catholike Doctour ſetteth downe the common opinion of Catholikes, which is, that the authority of the Pope extendeth alſo vnto temporall matters, at leaſt indirectly, and ſo farre forth, as is needfull for the due adminiſtration and conſeruation of the ſpiritual good of Chriſts Church: ſo as when the greatneſſe of the matter ſhall ſo require, he may puniſh lay people, and Princes alſo in temporall matters, depriuing them of their dominions, rights, and iuriſdictions. He obſerueth, as it were by the way, the impious fraud, and inconſtancy of Proteſtants, who vſe to ſhape the profeſſion of their faith, not as beſt accordeth with the holy Scriptures, but as beſt agreeth with their preſent ſtate and purpoſe. The Princes that are their Patrones and of their Religion, they will haue them receaue their Scepters immediately of God; to acknowledg no Superiour; to be accomptable to none, & therfore not ſubiect to the iudgment of the chiefe Paſtor of Chriſt his Church, & they exclame againſt Catholike Doctours, as iniurious to the ſtate of Princes. But if matters of their own Religion become once in dãger, & that the Prince being a Catholike, ſeemeth leſſe fauourable vnto them, then do they denounce & declare the Princes to be impious & wicked, depriued by God of al dignity, ſubiect to the wil & furie of the cõmon people. A few Miniſters of this new inuented and deformed Church are then the iudges of Princes; and the cõmon peo-

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ple are by their interpretation of Scripture, armed with authoritie out of Gods word to execute the sentence of the Ministers vpon the Princes.

This he proueth out of the doctrine & practice of *Luther*, recorded by *Sleidan* in the 8. booke of his history. And how contẽptibly *Luther* vseth to speak of Princes that were his aduersaries, he sheweth out of *Cochlaus cap.* 13. *Septiceps Lutherus*. He proueth also the like out of *Zuinglius tom.* 1. *f.* 42. and *Caluin in cap.* 6. *Daniel. ad Vers.* 22. *&* 25. and *Beza*, as is recorded by *Genebrard* in the 4. booke of his Chronicles *ad an. Domini* 1561. The same also he proueth out of the Synod of *Berne*, and the writings of *Goodman* and *Knox*, and the conformable practice of the Anabaptistes. Out of which he inferreth: First, that not only in the iudgment of Catholikes, but Sectaries also, when they put flattery aside, a Prince may be depriued of Temporall Iurisdiction, if he labour to oppresse true Religion. Secondly, he sheweth the difference of the sentence of Catholickes & Protestants: these vnderstand by *true Religion*, their heresies, and the inuentions of their owne braynes: the Catholiks vnderstand therby the ancient Doctrine of the Church, continued for so many ages, confirmed with so many miracles, defended by the writings and death of so many Saints and Martyrs.

Secondly they differ, in that the Protestants will haue a few Ministers to be iudges of Princes: wheras the Catholikes reserue that power only to the chiefest Pastour, who vseth to apply all sweet reme-

remedyes, before he deſcend to ſo ſharpe a cure, as to depriue the Prince of his dominion and iuriſdiction. Thirdly, the Proteſtants proceed in this matter with great ſecrecie, ſuddainneſſe and temerity: The Catholike Church on the other ſide proceedeth with great deliberation, by publike and approued meanes. So as with the Catholikes the ſtate of Princes is in great ſecurity, and with the Proteſtants full of daunger.

Hauing thus explicated the ſtate of this preſent queſtion, he proueth the doctrine of the Catholiks, firſt out of the Decrees and Teſtimonies of General Councells: not for that he eſteemeth the authority of the Councells to be greater then that of the Scripture; but for that they do more clearely determine this matter, and are with Catholicks of vndoubted authority. The firſt Councell he alleadgeth, is the great Synod of *Lateran* vnder *Innocent* the 3. out of which he deduceth with great perſpicuity, many forcible arguments, anſwering withall to ſuch obiections, as may any way occurre about the teſtimonies of this Councell.

Secondly, he alleageth the Generall Councell of *Lyons* vnder *Innocent* the 4. in which *Fredericke* Emperour was depoſed by the Pope, and his depoſition was approued by the whole Councell. In like manner he bringeth very effectuall teſtimonies out of the Councell of *Vienna*, as alſo of that of *Conſtance*, *Lateran ſub Leo* 10. and the Generall Councell of *Trent*: and addeth, that the like may be gathered out of diuers particular Councels; but expreſſely

expreſſely ſetteth downe the decree of Pope *Gregory* in the *Roman* Councell celebrated more then 534. yeares ſince, as alſo the decree of *Gregory* the 4. recorded in the Canon law *Cap. fin. de hæreticis*.

His ſecond proof he deduceth out of ſundry places of Scriptures; as *Ioan*. 20. and refelleth the exception taken by Doctor *Barkley* againſt that place. Secondly he inferreth the ſame doctrine out of *Matth*. 16. and effectually anſwereth the arguments made againſt theſe proofes by his Maieſtie *Admonit. pag*. 113. He pondereth in like manner the paſſage of Scripture *Deuter*. 17. and defendeth it from the cauils which ſome haue made againſt the true interpretation therof: and confirmeth the Catholike ſenſe of that place, out of the writings of *Lucifer Calaritanus lib*. 1. *pro Athanaſ*. ſo much approued and commended by the ſame Saint.

He alleageth alſo the teſtimonie of the ſecond booke of *Paralip*. *cap*. 26. where *Ozias* was by the High Prieſt driuen out of the Temple, and depriued of the adminiſtratiõ of his Kingdome; and refuteth the interpretation which *M*. *Blackwell* and Doctor *Barkley* giue of this paſſage of Scripture. He alleageth alſo to the ſame purpoſe the fact of *Ioiada* the High Prieſt, by whoſe commaundment *Athalia* the Queene was depriued both of her Kingdome & life: and he anſwereth the exceptions taken by Doctor *Barkley* againſt that place.

And he concludeth this proofe with the teſtimony of *S*. *Bernard l*. 2. *de Conſideratione*. Where this Bleſſed Saint affirmeth, that whatſoeuer ſpiri-

small authority was giuen at seuerall times vnto sundry persons in the old law, the same is fully & in eminent manner giuen to the Vicar of Christ, and Successour of *S. Peter*, the Bishop of *Rome*. And therevpon inferreth, That what soeuer was done in the gouerment of the Church in the old law, by the expresse commaundment of God, & by extraordinary authoritie, may be done by the ordinary power of the Pope in the gouernement of the Church of Christ.

In his third proofe, he produceth the testimonies of diuers Princes, & out of the acknowledgment of his Maiestie, in the 106. page of his book, That al Christian Princes had for a long time confessed this authoritie of the Bishop of *Rome*, he gathereth according to the argument made by *K. Henry* the 8. in his booke against *Luther art.* 2. That so long a possession of right ought to remaine in full force.

He bringeth in this proofe most cleare and euident testimonies of many famous and learned Authors, *Lucifer Calaritanus* highly extolled by *S. Athanasius epist. ad solitarios*, *S. Chrysostome*, *S. Hilary*, *S. Ambrose*, *S. Augustine*, *S. Gregory*; and refelleth the exceptions take by Doctor *Barkley* against the testimonies of this Saint *S. Bernard*, whom also he defendeth frō the cauills made by Doctor *Barkley*, *Hugo de S. Victore*, *Alexander Halensis*, *S. Thomas of Aquin*, *S. Bonauenture*, *Henricus à Gandauo*, *Petrus Paludanus*, *Reynerus Pisanus*, *Vldericus* cited by *Turrecremata*, *S. Antoninus*, *Franciscus*

Mayron, *Ioannes à Turrecremata*, *Gabriel Biel*, *Caietanus*, *Franciscus à Victoria*, *Driedo*, *Alfonsus à Castro*, *Dominicus Soto*, *Dominicus Bannes*; satisfying himself with these 20. learned men, besides the Fathers that liued within the first 3. or 4. hundred yeares.

His 4. proofe is out of the examples and practice, which hath bene in the Church, of this authoritie of Popes ouer Princes in Tẽporall matters, refelling also the exceptions taken by D. *Barkley* against this argument. The first example is of Pope *Constantine* who condemned *Philippicus* the Emperour, commaunding his Name to be defaced & razed out of all coynes and stampes. The second of *Gregory* the 2. about the yeare 720. who excõmunicated and depriued of his Temporall Rights in *Italie*, *Leo Isauricus*. The third is of *Gregory the* 3. who excelling in prudence, learning and sanctitie by the consent of all wryters, depriued *Leo Isauricus* of his Empire. An. Dom. 713.

The 4. is of *Zachary* the 1. by whome *Childericke* king of *France* was deposed from his gouerment: and he largely refelleth D. *Barkley* his shifts for the illuding of this argument. The 5. is *Leo* the third, who transferred the Empire of the Greekes to the *Germans*: and he soundly refuteth the obiections of the aduersaries against this proofe. The 6. is the translation of the Empire from the *French* to the *Germans*, and the confirmation thereof in that Nation, with the institution of the Electours. The seauenth is that of *Gregorie* 7. who deposed

Henry the 4. King, & third Emperour of that name; and he largely anſwereth all the arguments which D. *Barkley* hath brought againſt this matter, as alſo thoſe of *M. Blackwell*. The 8. is of the ſame *Gregory*: by whome *Boleſlaus* King of *Polonia* was firſt excommunicated & after depriued of his Kingdome. The 9. is of *Calliſtus* the 2. who excommunicated and puniſhed alſo in temporall Rights *Henry* the 5.

The tenth is of *Alexander* the 3. who excommunicated *Fredericke* the 1. and abſolued his ſubiects from the *Oath of Allegiance*. The eleuenth is of *Innocent* the 3. who depriued *Ottho* the 4. of his Crowne and Empire. The 12. is of the ſame *Innocent* the 3. who as *Carion* recordeth *in Otthone* 4. remoued *Iohn* King of England frō the adminiſtration of the Kingdome. The 13. is of three Popes *Honorius* 3. *Gregory the* 9. and *Innocent* the 4. who at ſeuerall times excommunicated and depoſed *Frederick* the ſecond. The 14. is of *Innocent* the 4. who by his owne authoritie appoynted one to aſſiſt the King of *Portugall* in his gouernment, and to ſucceed in the Crowne, if he died without iſſue.

The 15. is of *Gregory* the 10. who commanded the Electours vnder great penaltyes to make choice without further delay of an Emperour: threatning, that if they neglected it, himſelfe would do it. The 16. is of *Clement* the 5. to whom ſuite being made by the King of *France*, to returne the Empire to the *French*, he wrote to the Electours to chooſe the Earle of *Luxemburge*.

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The 17. is of *Iohn* 22. who commaunded the Electours of the Empire to chooſe another in place of *Lewis* of *Bauaria*: threatning, that himſelfe would appoint an Emperour, if they made longer delay. The like examples he produceth out of *Paul* the 2. *Paul* the 3. and *Pius* the 5.

His 5. proof is of ſundrie reaſons. Firſt, out of the inconueniences and abſurdities that follow of the contrary doctrine. Secondly, for that it is neceſſarily annexed, and by cõſequence it followeth out of the authority of excommunicating Princes, which the aduerſaries themſelues do graunt vnto the Pope.

Thirdly, out of the falſitie of diuers of their chiefeſt grounds. Fourthly, out of the long receaued cuſtome of accuſing and citing Princes before the Pope. Fiftly, out of the end, for which the gouernmẽt of the Church is cõmitted to one chiefe Paſtour. Sixtly, out of the neceſſary ſubordination betweene the ſpirituall and tẽporall power: & he largely refuteth the argumẽts produced by Doctor *Barkley* to the contrary.

The 7. is drawen out of the Right he hath to defend the ſpirituall Kingdome committed to his charge. And in this he alſo with great cleareneſſe and ſoliditie refelleth D. *Barkleys* inuentions. The 8. out of the office and duty of a Chriſtian man, with the reiection of D. *Barkleys* cauills. The 9. out of the office and duty of a Paſtour. The 10. out of the analogy betweene the fleſh and the ſpirit. The 11. out of the proportion

and conueniency betweene ſubordinate powers. The 12. out of the practice and confeſſion of Heathens. The 13. out of the reuenge and chaſticement inflicted by the prouidēce of Almighty God, vpon ſuch as withſtood this authoritie: wherof this Authour ſetteth downe many examples.

The Contents of the ſecond Section.

His ſecond Section conteyneth the anſwers to ſuch arguments and obiections as are made by the Aduerſaries againſt the Catholike doctrine in this behalfe. And firſt he ſheweth that it nothing derogateth from the dignity of a temporall Monarch, to be ſubiect to the chiefe Paſtour of Chriſts Church. Secōdly, he anſwereth to the obiections taken out of the vnmeaſurable greatnes of this authority; ſhewing it not to exceed due meaſure, but to be moſt conuenient and neceſſary: and prouing it by the authority of *S. Gregory*, *S. Chryſoſtome*, *S. Ambroſe*, & *S. Ignatius*. Thirdly, he anſwereth the obiection made, for that in this ſort the Deuines dō ſeeme to fall into the opinion of the Canoniſts, which they impugned: in which he ſheweth *D. Barkleys* errour and miſta-

king

king of the matter: & albeit the Canonists opinion be reiected; yet this may, and ought to stand.

Fourthly, he refelleth *D. Barkleys* obiection taken out of the distinction of Ecclesiasticall & Politicall powers. The fifth obiection is, that the Church had once no iurisdiction in temporall matters ouer lay people: he sheweth the contrary, and that the Pope had alwaies the same power, which now he challengeth. The *6.* obiection is, that a Kingdome is giuen by God, and that therefore it cannot be taken away, but by him: To which this Authour answereth, that with the same reason no Iudge, nor Prince, can punish an offendour, depriuing him of his life, for that he also receaued his life of God. And by this occasion he handleth, whether Regall Power be immediately of God, as Ecclesiasticall is. The 7. obiection made by *D. Barkely* and answered by this Author, is, for that this Authority seemeth not to haue sufficient ground in any Law, either humane or diuine: The answer is, that it is sufficiently expressed in holie Scripture, as before he hath declared; and is cõteyned in the *Keyes of the Kingdome of Heauen*, which are committed to *S. Peter* and his Successours.

8. It is obiected that the ancient Church made no mention of this Power: he answereth, that the contrary is already sufficiently and perspicuously proued. 9. He answereth to the testimonies of diuers

uers Fathers produced by *D. Barkley*: in which anſwere the Author reproueth the imprudent vaunting of *D. Barkley*, who thought with the miſ-interpreted teſtimonies of fiue writers, to haue made his cauſe ſeeme inexpugnable, and to inſult ouer Catholicks, as if they had nothing to ſay. The 10. obiection is of the abuſe which may be committed in ſo great a power: which argument is retorted vpon *D. Barkley*; and it is ſhewed, to haue as great and more force againſt the Authority of a King ouer his people, then againſt that of the Pope ouer Princes. The 11. is, that the Obediēce of Subiects to the Prince is grounded in the law of nature: It is anſwered, that in like ſort the obedience of children to their Parents, and of a wife to her husband, is alſo grounded in the law of nature; and yet notwithſtanding for diuers cauſes they may be exempted by the Prince.

The 12. is, that the band of an Oath cannot be diſſolued, which the Author ſheweth to be moſt falſe, and contrary to Scriptures, Councells, Decrees of Popes, the common opinion of Doctours, & the practice of the vniuerſall Church of Chriſt. In the anſwere to the 13. obiection, is declared the duty and obedience, which ſubiects owe to their Prince. In the 14. is largely refelled the imaginatiō of thoſe who affirme, that, for that Princes were before baptiſme exempted from the obedience to the Pope, therfore being Chriſtians they ſhould alſo continue in the ſame liberty.

The 14. obiection which the Author anſwereth

reth, is that of *M. Blackwell* in the 46. page of his booke, which in ſubſtance is, that when the exerciſe of the Popes Authority ouer Princes ſhould endaunger the ſpirituall good of the Church, that thē all ſuch authority doth ceaſe: which this Author ſheweth to be not onely falſe, but friuolous and abſurd. For hereupon it followeth, that the force of the iuriſdiction and ſentence of the Pope dependeth of the future euent, or rather of the free will and power of the delinquent that is puniſhed. For if he will obey, or hath not power to reſiſt, the ſentence ſhall be of force: but if he be mighty in power, and obſtinate in will, threatning reuenge in place of ſubmitting himſelfe, thē ſhall the ſentence be void, and the Eccleſiaſticall Iuriſdiction abrogated: which ſeemeth contrary euen to cōmon ſenſe.

It followeth alſo, that the vſe of this power dependeth of the iudgment of the ſubiectes: and that the ſheep ought to iudge of the Office of their Paſtour: whether this man or that ought to be excommunicated; and whether the ſentence giuen, be of force or no: which yet if *M. Blackwell* well conſider, I imagine he will not allow. But he will ſay, that the power giuen to the Pope is not to be vſed to the detriment or deſtruction, but to the edification and increaſe of the ſpirituall good of Gods Church: and therefore when there followeth not the intended edification, the power ceaſeth. Let him apply this ſame argument to the power of temporall Princes, and ſee whether it hath not the ſame force againſt them, if it hath any

force at all. For the ſecular power is alſo graunted for the good of the common-wealth, as the Eccleſiaſticall is for the ſpirituall. When any inconuenience doth follow of the vſe of either of theſe powers, they may ſeeme perhaps to haue wanted prudence, but not Authority.

The Contents of the third Section.

IN this laſt Part of his worke he handleth in what degree of certaintie this Catholike doctrine of the Popes authority in temporall matters ought to be eſteemed; and eſpecially how certayne it is, that the Pope hath authority to puniſh a Chriſtian Prince for ſome cauſe, and to abſolue his Subiects from their *Oath* of Allegiance, and fro that obedience which otherwiſe in duty they ſhould owe vnto him. And laſtly he declareth his iudgement and opinion of the *Oath*, which in *England* is propounded to Catholike ſubiects.

And as touching the firſt point, about the certainty of this doctrine, he produceth *M. Blackwell* who in the 46. page of his Book inſinuateth, that it is onely a Theologicall opinion of no certaintie; and that the contrarie thereof may without perill be maintayned. His reaſons ſhalbe ſet downe hereafter: and of the ſame iudgement muſt they all of neceſſitie be, that hold the taking of the *Oath* to

be lawfull. But against this opinion of *M. Blackwell* this writer bringeth many strong & forcible reasõs, to shew that this doctrine is not ãbiguous & doubtfull, nor such as the contrarie therof may with probability be mantayned: but so certaine, as without preiudice of faith it cannot be denied. And although this doth follow by necessary consequence out of the testimonies of Scripture and Councells by him alledged in the first Section of the second Part of his Booke: yet for a more cleare demonstration of this matter, some few things shall heere briefly be touched.

And first of all, it semeth that these propositions being defined in expresse tearmes in the *Romã* Councell vnder *Gregory* the 7. *Quòd Papæ liceat deponere Imperatorem*: that the Pope hath authorty to depose the Emperour: *& quòd à fidelitate iniquorum subiectos possit absoluere:* and that he can absolue subiects from the fidelity, that is, the Obedience of the wicked; maketh euident proofe, that this doctrin is no Theologicall opinion, but a matter of faith; for that a definition made by the Pope, togeather with the Synode, belongeth to faith. And yf perchance any one will say, that the Pope defining out of a Generall Councell maketh a matter not altogeather certaine, because he may erre: he must know, that this sentence is held by very few, and is reiected by Catholikes, as erroneous, and in the next degree to heresy, as it appeareth by *Melchior Canus de locis l. 5. c. 4. concl. 5. Bãnes 2. 2. q. 1. art. 10. col. 103. Bellarmine. l. 2. de Concilijs c. 5.*

For it is certaine, that many hereſies haue bene condemned, and manie matters expreſſely defined without a Generall Councell, as appeareth in the errours of the *Priſcillianiſts*, *Pelagians*, *Vigilantius*, *Iouinian*, the *Manichees*; and others that roſe vp in the firſt 300. yeares. And yf nothing could be done without a generall Councell, we ſhould haue no certaintie of many matters determined and defined in thoſe three firſt ages: nor they whoſe doctrin hath bene condemned, ſhould haue bene obliged to ſubmit themſelues, nor others to eſteme them heretikes. All which are inconuenient and little agreeing with reaſon: & therfore although the definition be made by the Pope out of a Generall Councell: yet is the matter which is defined to be eſtemed certaine, & as a point of fayth. And were it true, that a matter defined without a Generall Councel were not preſently made an article of faith: yet is it in the iudgmet of thoſe very authors that denie the firſt, ſo to be eſteemed as ſoone as it is receaued by the whole Church, as a certaine & vndoubted truth. And of this condition are theſe definitions of which we ſpeake, that haue not only bene receaued, but alſo practiſed with approbation & allowance of the whole Chriſtiã world.

Furthermore we cannot doubt of the certainty of that doctrine, which many generall Councells haue not only deliuered, but alſo haue ſuppoſed as the ground of many Canons and Iudiciall Decrees. For if a generall Councell hauing at any time expreſly defined, that the Church had this

power wherof we ſpeake, no Catholike would dare to doubt, but that it belongeth to faith to acknowledge and belieue the ſame: what reaſon can be alledged wherefore it ſhould not in like manner be receaued; when a generall Councell in this ſort ſuppoſeth it as a certaine ground & foundation of ſundry Eccleſiaſticall Conſtitutions and Decrees; ſince it cannot be eſteemed to be leſſe affirmed by the Councell, thē if it were defined: & therefore to be in it ſelfe of no leſſe certainty with any Catholike?

He alſo further ſheweth, that it belongeth to a matter of faith in the iudgement of all Catholikes, to belieue, that the Church cānot erre in doctrine, or precepts of manners: teaching any thing to be lawfull that is not, or any thing vnlawfull, that may lawfully be done, or commaunding any thing, that is in it ſelfe wicked and vniuſt, as *Canus lib. 5. c. 5. pag. 333. Bannes 2. 2. q. 1. p. 3. col. 110.* and others do teach. For that ſuch a kind of errour ſhould be no leſſe pernicious then an errour in matter of faith: but if the Pope haue not this authority in temporall thinges, the Church ſhould erre in doctrine of manners, and in matters of great weight and conſequence. For ſhe teacheth that a Prince being depoſed by the ſentence of the Pope, his ſubiects are abſolued from the band of their Obedience, and his territoryes may be inuaded and poſſeſſed by others.

And againe, that a Prince being excommunicated by the Pope, his Subiectes are abſolued

from their Oath of fidelity; ſo as they are not boũd to obey him, vntill he be againe reconciled: yea they are forbidden to obey him, in caſe the Cenſure be denoũced. All which muſt needs be falſe, if the Pope haue not this authority: yea not only falſe, but alſo moſt pernicious; ſince that thereby Subiects may be ſtirred vp to Rebellion, and perſwaded to periury; yea compelled to the one and to the other, euen againſt their wills. And if in the iudgment of Catholicks he ſhould be eſteemed an Heretike that mantained the Church could erre in this manner; how can he be eſteemed a Catholicke, that will mantaine that doctrine, out of which this hereſy doth euidently follow. For that doctrine vndoubtedly belongeth to a matter of faith, out of whoſe contrary is euidently deduced that which is hereticall, and contrary to faith, as is this wherof we ſpeake.

For though it be graunted that the Church may erre in ſome particuler fact, as for example, whether this or that man be lawfully excommunicated or depoſed; yet can ſhe not erre in the doctrine of the generall right, and power of the Church; and whether the Pope can for ſome great and vrgent cauſes, concerning the good of the vniuerſall Church, excommunicate or depoſe a Prince. For this is not a queſtion of fact but of right: and to erre in this, is to erre in doctrine of fayth and manners; and in a thing ſo much the more pernicious, by how much the

more

more dangerous consequence it involueth and draweth after it. For if the Church erreth in this matter, she erreth also in many Canons, many Ecclesiasticall Decrees, many definitions, and Censures, which depend, & are grounded vpō it: yea and in the greatest part of the Ecclesiasticall gouernment, as this wryter hath largely declared in the first Section of his second Part *num.* 113.

And how can any Catholike imagine, that this doctrine is not certayne, and belonging to fayth, which Popes, Councells, & Doctors doe eyther suppose, or propose as certayne, deduced out of Scripture; for they all vnderstād it to be cōteyned in that passage of holy Scripture, *Matth.* 16. *Quodcumque ligaueris super terram &c.* Whatsoeuer thou byndest vpon earth, shalbe bound in heauen &c. as appeareth in the Councell of *Lions*, & *in Greg.* 7. *lib.* 8. *Epist.* 21. and in *Innocentius* 3. *Epist. ad Patriarch. Constant.* They affirme it also to be included in the office of a Pastour, deliuered in these words *Ioan.* 21. *Pasce Oues meas*, as may be seene in *Dom. Soto in* 4. *dist.* 25. *q.* 2. *art.* 1. *Fran. à Victoria lib. de potest. Eccles. ast. sect.* 6. *concl.* 8. *Ioan. de Turrecremata. lib.* 2. *de Ecclesia cap.* 114.

Neither was this matter euer doubted by Scholasticall Deuines, which argueth the certainty therof, and that the contrary is void of all probability. And as the sentence of *Marsilius à Padua*, and *Ioannes à Ianduno* is condemned by *Ioan.* 22. *extrau.*

extrau. Licèt ſecundum Apoſtolum, and is reiected as hereticall by the Catholike Church, as *Tur. recremata* doth largely proue *lib. 2. de Eccl. ca. 16.* becauſe he houldeth that the Church hath no coactiue power, but what ſhe receaueth of the temporall Prince: ſo muſt this opinion which denyeth that the Pope hath any power to puniſh Princes in temporall matters, be condemned in like manner. For that it nothing differeth from *Marſilius* his opinion, who denyed not, but that the Pope could excommunicate a Prince, but that the authority of the Pope to puniſh lay Perſons in temporall matters, he ſaid, proceeded of the priuiledge graunted by the Emperour, which is the very ſame with the aduerſaries doctrine: and therfore *Sotus* doth with great reaſon affirme their ſentence to be hereticall, who deny the authority and power of the Pope in temporall matters.

So as with approbation and practiſe of the whole Chriſtian world, haue the Catholikes of England choſen rather to looſe their goods, liberty, and life, then to deny this authority in the Church, ſo grounded in Scriptures, deliuered by Councells, taught by Vniuerſall Conſent of Catholike Doctours, defined by his Holines that now liueth, *Paul* the fifth, in his Breue *to the Catholikes of England*, and by *Boniface* 8. in *Extrau. Vnam Sanctam. de maioritate & obedientia*, which extrauagãt is no way contradicted by *Cap. Meruit. Clem. 5. in extrau. communibus*, as *M. Blackwell* would haue it *pag.* 47. and 126. For *Clement* doth nei-

neyther recall nor correct any thing in that Constitutiō of *Boniface*, as *M. Blackwell* insinuateth; but onely declareth, that the King of *France* was by force of that Constitution, depriued of no part of his ancient right, which *Boniface* himselfe would easily haue declared. For that he intended not to make any new Decree, but only to set downe the anciēt doctrine of the Church. Neyther doth it any thing at all make against the force of this definitiō, that the two places of holy Scripture by him produced out of *Luke* 22. *v*. 38. & *Ier*. 1. *v*. 10. haue another litterall sense, differēt from his meaning. For he alledgeth not these passages of Scripture, as the ground of the doctrine he deliuered, but onely for the more full declaration and confirmation therof, in which manner the holy Fathers do often vse to apply the mysticall sense of the holy Scripture, although the litterall sense appertayneth to some other matter.

Against the certainty of this doctrine, sundry obiections are made by *M. Blackwell* and others. First that in no generall Councell fully and completely ended, it was euer concluded, that the Pope had this authority: and in particuler, exception is taken against the Councell of *Lateran*, out of *Platina*, in the life of *Innocent* the third: but this Authour sheweth, that this matter was in six generall Coūcels (that is the Coūcell of *Lateran* vnder *Innocent* the third, the Coūcell of *Lions* vnder *Innocent* the fourth, the Coūcell of *Vienna*, and in the 31. session of the Coun-

cell of *Conſtance*, and in the 9. ſeſſion of the Councell of *Lateran* vnder *Leo* the 10. and in the 25. ſeſſion & 20. chap. of the Councell of *Trent*) ſuppoſed, as the foundation and grounds of many Decrees, and that therfore it was a matter certaine and defined. And as for the Councell of *Lateran*, there was neuer any yet did doubt, but that it was a complete Councell and confirmed: and ſo much leſſe cauſe there is to doubt hereof; for that the greateſt part of this Councell is reduced and inſerted in the Bookes of the Canon law. Neyther doth *Platina* inſinuate the cõtrary, for he ſpeaketh of thoſe things which belonged to the voyage intended ouer the ſeas; and ſayth that many things were then conſulted of, but nothing could clearely be determined for the warrs both by land and ſea betweene the Citties of *Piſa*, and *Genua*, and others: and what maketh this to the purpoſe, for the not concluding and defining of thoſe things, which were decreed in the Councell in which the Pope himſelf was preſent.

D. Barckley in the 18. page of his booke ſaith, that Catholick doctours doe greatly differ in their opinions about this authoritie of the Pope, which ſheweth it to be an vncertaine and vndefined doctrine. But he is either much miſtaken, or endeauoureth wittingly to deceaue others. For all Catholike doctours agree with generall conſent, that the Pope hath this authoritie: but about the manner how he hath it, therin they differ; which ar-

argueth no more incertaintie in this preſent matter then the like contention proueth the vncertaintie of other articles of our faith. For all Catholikes do vndoubtedly belieue as a matter of faith, that the Sacramẽts of the new law do impart grace to ſuch as worthily receiue them; and yet there is great diuerſitie of opinions among Catholike Doctours, concerning the manner how this effect is wrought.

It is alſo a matter of faith and vndoubtedly beleiued by all Catholikes, that the ſoules of the dãned are tormented with fire; and yet is the manner how this is done, vncertaine: and the Deuines do greatly differ in their iudgements herein. In like manner it is certaine that the Biſhop of *Rome* hath Right and Authoritie in temporall matters, when it concerneth the ſpirituall good of the Church: but whether he hath it only when it is needefull for the ſpirituall good, or elſe at other times alſo, that is, ordinarily, which the Doctours do ſignifie whẽ they ſay, he hath *direct* or *indirect* power, this is not certaine: & of this matter are different iudgments among Catholike authors. But, as hath bene ſaid, in the chief matter it ſelfe they all agree, that the Pope hath this Authoritie.

M. Blackwell in the 45. page ſaith, that *Couarruuias*, *Martinus ab Azpilqueta*, and *Binsfeldus* do affirme, that nothing of certaintie is defined in the Church about the Popes Authoritie in temporall matters: but the truth is, that theſe Authors do ſpeak of the mãner, how this power is in the Pope, whether directly or indirectly. For they only ſay,

that the queſtion betweene the Deuines & Canoniſts in this matter is not decided. And that *Couarruuias* doubted nothing at all of this power, is euident, out of his owne words in his Commentary in *Cap. Heredes. de Teſtament. cap. 7. n.* 18. where he ſheweth that the Pope in *Cap. Licet. de voto.* had power iuſtly to excommunicate the Sonne of the King of *Hungarie* for his contumacie, and depriue him of his Kingdome: adding withall theſe words: *Siquidem poteſt ex cauſa Romanus Præſul Regem aliquem Regno priuare; quod probat optimè Textus in Cap. Grandi. de ſupplend. negl. Prælat. in* 6. *Cap Alius.* 15. *q.* 6. *Cap. Adrianus;* 63. *diſt. Ioannes Lupus de reg. Nauar.* 2. *p.* §. 7. *cap. Apoſtolica. de re iudicata in* 6. For the Prelate of the Roman Church can vpon iuſt cauſe depriue a King of his Kingdome, as the Textes by him alleaged doe well proue. *Nauar* alſo doth euerie where teach this doctrine as certaine, as appeareth in his Cõmẽtarie *Cap. Nouit. de iudicijs. notab.* 3. *n.* 96. and the reſt that follow *vſque ad* 112. 124. and 126. albeit he relateth and diſcuſſeth the different opinions, which are among the doctours about the manner of this Authoritie.

M. Blackwell alſo in the 46. page of his booke alleageth the words of *Card. Allen* in his *Anſwere to the Engliſh Iuſtice*, where he ſaith: *Quæſtio eſt planè Theologica &c.* It is plainly a Theologicall queſtion, and ſtraitly connected with Chriſtian religion, of which although perhaps nothing be definitiuely declared for our part: yet may it by Theologicall argu-

arguments be disputed on both sides, as our aduersaries themselues cannot be ignorant of, yf they know anie thing. But this famous & learned Cardinall doth sufficiently in this very place insinuate, that he holdeth this doctrine not to be any way doubtfull, but altogeather certaine. First, for that he saith, it agreeth & is most straitly cõnected with Christian religiõ; & that it belongeth to the primacie of the Bishop of Rome. Secondly, he iudgeth, that this doctrine is not to be forsaken, albeit that for the same the Catholikes in England be calumniated and accused as guiltie of treason. Thirdly, for that he largely proueth this doctrine out of holy Scriptures, and continuall practice of the Church.

Neyther doth it make any thing at all against this matter, that he iudgeth it not to be defined, but disputable on both sides. For this he vnderstandeth onely of the manner how this Authority belongeth to the Pope; which onely is disputed by Deuines with Theological arguments deduced out of Scripture and Canons. They only inquire whether the Pope hath this Authority directly or indirectly: but neuer call in question whether he hath any Authority at all ouer Princes in temporall matters. And that which the Cardinall intended, was to shew that this question of the Authority of the Pope in temporall things, was not a questiõ of policy, as his aduersary affirmed, but a Theologicall disputation to be determined out of Scripture and sacred Canons.

Some would gather out of thoſe words, that this doctrine is only a Theologicall concluſion; but as it hath bene already declared, they are therin deceaued. For the ſame propoſition may be both a Theologicall Concluſion, and alſo a matter belonging to fayth. Beſides, albeit we graunted that it were onely a Theologicall Concluſion (that is, deduced out of 2. propoſitions which belõg to matters of fayth, or of one which is a matter of fayth, and another euident in naturall reaſon:) yet could it not be denyed without preiudice of fayth, as is well proued by *Melchior Canus l. 6. de locis c. 8. & Turrecremata lib. 4. de Eccleſia cap. 9. & 10.* And the reaſon is, for that the denying of a Theologicall Concluſion is alſo iudged neceſſarily to inferre the denying of the article of faith, out of which it is deduced; it being certaine, that a propoſition euident in naturall reaſon cannot be denied: and for this cauſe ſuch a concluſion is deemed to belong to a matter of faith, and may without any difficulty be defined by the Pope. Furthermore out of that which hath bene ſayd, it euidently followeth, that this doctrine is more then a Theologicall Concluſion; for aſmuch as it hath bene often defined, & ſuppoſed in generall Councells as the ground and foundation of ſo many Canons, ſo many Decrees, ſo many Cenſures, & the neceſſarie rule and gouerment of the Church.

Another obiection maketh *M. Blackwel* in the 109. page of his booke, out of *Card. Bellarmine*, ſaying: that the Cardinall left himſelf a way to eſcape

and

and to change his opinion in this matter, when need should require; in that he affirmeth the Pope, as Pope, not to haue power ordinarily to depose Princes, euen for a iust cause: and yet that he could change Kingdomes, and take from one and giue to another, as he was the highest Spirituall Prince, yf it should be necessarie for the saluation of soules. And what other thing (saith he) doth he signifie in this so hidden a sense, but that no authority is rightly giuen to the Pope for the deposing of Princes. And this he after proueth with such perplexed forme of speach, that it easily appeareth he speaketh against his mind. The summe and substance is, that the Pope receaued not from *S. Peter* but ordinarie power, and that by ordinarie Power he cannot depose a King, and therefore absolutly he hath not the Power: or let it be shewed, whence he hath this power extraordinary. Besides, If he cānot as Pope, neither can he as Spirituall Prince: for he is not Spiritual Prince, but in as much as he is Pope.

To this obiection of *M. Blackwell*, this Author answereth, that in the Cardinalls words, there are no such lurking holes, nor ambiguous senses: but that the Aduersarie doth peruert the plaine & perspicuous meaning thereof: as if it were all one, not to haue power ordinarily to do a thing, & not to haue ordinary power to do it, when as notwithstanding these 2. propositions containe a great difference. For when we say, that the Pope cannot ordinarily depose Kings, we meane, that he cannot in euerie occasion, when iust cause is giuen ther-

thereof, as he my depoſe Biſhops, for that he is their ordinarie iudge, as the Cardinall himſelf doth expreſſely declare: and from hence it cannot with any probality be gathered, that the Popes power is not ordinary, but extraordinary and delegated.

We ſay therefore, that this power of the Pope ouer Kings is ordinarie; for that it is included in the Office of the Higheſt Biſhop & Paſtour of Gods Church: & togeather with this paſtorall office deriued from Chriſt to *S. Peter*, and all other his Succeſſours. But he cannot vſe this power ouer Kings ordinarily, that is, ſo often as they for any cauſe ſhall deſerue it (as he may ouer Biſhops) but only when it is neceſſary for the health and ſaluation of ſoules: and that then he can, for that he is their higheſt and chiefeſt Spirituall Prince. So as albeit the Pope be not the ordinary iudge of Kings, in matters belonging to the gouernment of their Kingdome, as he is the ordinary iudge of Biſhops in gouernment of their Dioceſſe: yet whenſoeuer the ſpirituall good of the Church doth require it, he iudgeth Kings alſo by that ordinary power, which was giuen by Chriſt to *S. Peter*, and his Succeſſours; *Quia eſt ſupremus Princeps ſpiritualis*: becauſe he is the higheſt ſpirituall Prince: which words do not denote any other dignity, but do explicate the name of Pope in a more formall ſenſe, agreeing with the matter in hand.

Of

Of the Oath of Allegiance.

THERE followeth now the laſt Part of al this Booke, which contayneth the declaration & iudgment of this Author, concerning the particular points of this Oath, which he ſaith he would neuer haue touched, did it not concerne ſo neerely as it doth, the doctrine of the Catholike faith, and the health of ſoules. He ſetteth downe the ſame at large thus.

I A. B. do truly & ſyncerely acknowledge, profeſſe, teſtifie and declare in my conſcience before God and the world, that our Soueraigne Lord King Iames is lawfull King of this Realme, and of all other his Maieſties Dominions and Countreys: and that the Pope *neyther of himſelfe, nor by any authority of the Church or Sea of* Rome, *or by any other meanes, with any other, hath any power or authority to depoſe the King, or to diſpoſe of any of his Maieſties Kingdoms or dominions, or to authorize any forraine Prince, to inuade or annoy him or his Countreyes, or to diſcharge any of his Subiects of their Allegiance and obedience to his Maieſtie; or to giue licence or leaue to any of them to beare Armes, rayſe tumults, or to offer any violence or hurt to his Maieſtyes Royall perſon, ſtate or Gouernment, or to any of his Maieſties Subiects within his Maieſties Dominions.*

Alſo I do ſweare from my hart, that notwithſtanding any declaration or ſentence of Excommunication, or depriuation made or graunted, or to be made or granted, by the Pope, *or his Succeſſors, or by any Authority deriued, or pretended to be deriued from him or his Sea, againſt the ſaid King, his Heyres or Succeſſors, or any Abſolution of the ſaid ſubiects from their Obedience; I will beare faith and true Allegiance to his Maieſty, his heyres and ſucceſſours; and him and them will defend to the vttermoſt of my power, againſt all Conſpiracies and Attempts whatſoeuer, which ſhall be made againſt his or their Perſons, their Crowne and dignitie, by reaſon or colour of any ſuch Sentence, or Declaration, or otherwyſe; and will do my beſt endeauour to diſcloſe and make knowne vnto his Maieſtie, his Heyres and Succeſſors, all Treaſons and Traiterous Conſpiracies, which I ſhall know or heare of, to be againſt him or any of them.*

And I do further ſweare, that I do from my hart abhorre, deteſt and abiure as Impious and Hereticall, this damnable Doctrine and Poſition, That Princes which be excõmunicated or depriued by the *Pope*, may be depoſed or murthered by their Subiects, or any other whatſoeuer. *And I do beleiue, & in conſcięce am reſolued, that neyther the* Pope *nor any perſõ whatſoeuer hath power to abſolue me of this Oath, or any part therof; which I acknowledge by good and full Authoritie to be lawfully miniſtred vnto me, and do renounce all pardons and diſpenſations to the contrary.*

And all theſe thinges I do plainely and ſincerely

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acknowledge and ſweare, according to theſe expreſſe wordes by me ſpoken, and according to the plaine and common ſenſe and vnderſtanding of the ſame words, without any Equiuocation, or mentall enaſion, or ſecret reſeruation whatſoeuer. And I do make this Recognition and acknowledgment hartily, willingly, and truely, vpon the true fayth of a Chriſtian. So help me GOD.

Vpon this Oath he deliuereth his iudgment in theſe words. FIRST concerning this forme of Oath, I ſay, it is voyd, and of no force, and that it bindeth not the conſcience of any to the performance of that which therin is conteined. And hence it followeth that it is wholy vnprofitable and impertinent for the ſecuring of the Princes eſtate. For he that taketh this Oath, is no more bound to performe it, then he that taketh it not, whether he be a Catholicke or an Hereticke: for that it is abſolutely voyd and of no validity. Neyther maketh it to the purpoſe, that any one do renounce all Priuiledges, Indulgences, and diſpenſations, and deſireth not to be freed from this band: for all this giueth no force to that, which of it ſelfe is voyd and vnlawfull.

Neither is this Oath inualide, in the iudgments of Catholickes only, but alſo of all other Sectaries, and Profeſſours of whatſoeuer Religion at this day in the world: as he proueth before in his Booke *num.* 53. For all do teach that a Prince impugning the true Religion, and la-

bouring to bring in that which is falſe, both may and ought to be depoſed, though not by the Biſhop of *Rome*; yet by the ſentence of the Miniſters, and power of the common people: which is no leſſe contrary to the forme of this Oath, which abſolutly excludeth all Authority of depoſing Kings; then is the Doctrine of Catholickes. And what ſecurity can riſe of this Oath, which both in it ſelfe and in the iudgment of the, to whome it is propoſed, is of no force?

Princes vſe not to propoſe to their ſubiects any Oathes, but to the end their conſciences being bound by the religion of an Oath, they may the better and more firmely be conteyned in their duty of fidelity, and not dare to attempt any thing againſt the Princes perſon or State: but this Oath is wholy vnprofitable for this purpoſe. For that it impoſeth no band of Religion at all vpon the mind of him that taketh it.

They will ſay, perhaps, it is not reqnired for the ſecurity of the Prince, but for the impouerishing and ouerthrow of his Catholike ſubiects. Why then is the ſecurity of the State, and the life of the Prince ſo often pretended? Wherefore are ſo many caſes inuented? and ſo exact interpretation of words demaunded, for the preuenting of dangers; but only that euery way the conſcience of the ſubiect ſhalbe bound to mantain & defend the State of the Prince? But all theſe things are in vaine, & to no purpoſe, when the Oath inducetb no obligation of conſcience. Nay it not only bringeth

geth no securitie, but threatneth much danger. For nothing doth so much exasperate the minds of subiects, and styrreth them vp to attempt the greatest extreames, then to be forced against their consciences, and to be so wrapped in snares, as either they must hazard the saluation of their soules, by violating the lawes of the ancient and true Religion; or hazard the losse of their whole fortunes & life. For nothing can seeme more bitter, nothing more iniust or intolerable to a free mynd, then this kind of force. And it is much to be feared, that with these cogitations they were driuen forwards, who some yeares since vndertooke that horrible fact. It seemeth therefore very expedient, not onely for the securitie but also for the estimation of the Prince, & his most prudent Counsell, that such formes of Oathes be disanulled, and nothing demanded of the subiects which is against their cōsciences, & contrary to their ancient faith and religion.

SECONDLY it little auayleth thē that take this Oath, that they haue some other secret meaning within themselues, some mentall reseruation, or some other manner of restriction. For the diligence of the Magistrate will quickly discouer those subtilities, who vse not often to content themselues till they haue drawne from the Catholike a cleare & playne confession of euery particuler that he can imagine, so as they that thinke with these artificiall deuises to free themselues, become more intangled then they would haue bene if they had dealt

plainly at the firſt. Whereof *M. Blackwell* may be an example, who taking the Oath fyrſt in his owne priuate ſenſe, was afterwards by cunning and ouer-reaching interrogatiõs brought, not only to deny the whole Authority of the Church in temporal matters ouer Princes; but alſo to abiure and condemne the doctrine of Catholikes, as execrable, impious and hereticall.

Beſides, in theſe matters, ſcandall muſt carefully be auoyded: for which cauſe the Ancient Fathers cõdemned not only the offering of Sacrifice to falſe Gods, but alſo the receauing of a writing from the Magiſtrate, by which was ſignified, that the Emperour remayned ſatisfyed, as appeareth in S. *Cyprian epiſt.* 15. 31. 52. *ſer. de. lapſis*, and in other places. Soe as thou art nothing excuſed, though thou ſayeſt that thou vnderſtandeſt in the forme of this Oath Imperiall and Ciuill Power only, and ſuch as may be exerciſed at the will and pleaſure of him that hath it: or of Direct and Ordinarie Authoritie, ſuch as the Pope hath ouer all Biſhops: or of Indirect Power, conſidering the preſent ſtate of things &c. For the words of this Oath are general, & in a general mãner are they propoſed by the Magiſtrate. So as whatſoeuer the inward meaning be, the outward actiõ is expreſſely oppoſite to the Catholike faith: which I will declare by an example or two, that it may the eaſier be vnderſtood.

If to obey an Heathen Magiſtrate a Catholike ſhould put incenſe before an Idol, although he did

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it not with the intent to worship the Idoll, but to honour God, who is euery where present: yet should this externall action be acompted idolatry, for that the circumstances of place and time, and the person that commaundeth being considered, it would be iudged a worship done to the idol: notwithstanding that he that offered the incense, intended therby some other matter. In like manner if at the cõmandement of an *Arian* Prince thou didst make profession of the *Arian* Creed, in which the Sonne, who is the second Person in Trinity, is sayd to be inferiour to his Father, thou shouldst be deemed in that externall professiõ to acknowledg & professe the *Arian* heresie; albeit in thy mind thou reseruedst a true Catholicke sense of those words, vnderstanding our Sauiour to be inferiour only, in as much as he was man.

And the like might be declared by many other examples. For when a profession is made of any point of faith, it sufficeth not to retaine inwardly only, in a mans owne mind, a true sense, or a right intention, but the exteriour act also: and the words themselues in the common apprehension and iudgment of men, must signifie that, which is not contrarie to true and Catholike doctrine. And therfore in this *Oath* in which a profession of faith is expressely conteyned, as may appeare both out of the title of that Act of Parliamẽt made of this matter, which is; *for the discouerie & suppressing of Papists*: as also for that therin is proposed an abiuration of that doctrine which appertaineth

taineth to faith; & a condēnation thereof, for impious and hereticall: for this cause, I say, it is not lawfull to vse any ambiguous sense or mental reseruatiō in the taking therof: for that the words of the *Oath* do exclude generally all kind of power in all causes and occasions.

In like manner he is nothing excused in the taking of this *Oath*, who hauing cōceaued it, shal protest that he sweareth all those things so farre only as in the iudgment of Catholikes they may concerne ciuill Obedience: for that a protestation hath no place, where the contrarie is expressed. For if one should charge some particuler man with many grieuous crimes, & sweare he held him to be a thief, a coosener, a traytour, or the like; it would be a small excuse of this iniury to say, that he swore those things, supposing they were true and manifest, and that he neuer intended further to auerre them.

And if a Catholike being commaunded by a Tyrant should make professiō of the *Arian* faith, or that of *Mahomet*, or *Caluin*, in which are many things true, mixed with falsities; he could not be freed from the blame of perfidious impiety, albeit he should presently protest, that he swore those things only, as farre forth as they agreed with Scriptures and the sacred Canons of the Church.

And surely, if that *Oath* with that kind of protestation be lawfull; I do not see how these examples can be vnlawfull, or not free from all kind of blame. Neither do I see, how it can be thought vnlawfull, for a Christian to offer incense to an idol

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at the cõmaundement of a Tyrant, protesting that he did it in the honour of God, & not to worship the idol. And yet I thinke there is no Catholick, nor yet Christiã, that wil say, these things can be don without most heynous treachery & impiety. And therfore we do not read, that the anciẽt Christians would euer admit of these subtilities, for the auoiding of Tyrants lawes, or for the declining the dãger of their displeasure: forthat in very deed the externall act, all circũstances cõsidered, was an expresse professiõ of Infidelity, which that kind of protestatiõ could neither remoue nor alter.

Neither doth it make any thing at all to the matter, whether this protestatiõ be vttered before the *Oath* be cõceaued or after. For that the fact it self cõtradicteth, & disanulleth the protestation. As if for example thou shouldest first protest, that thou intẽdest no wrong to some one particuler person & presẽtly shouldest reuile him with most spitefull & contumelious reproaches; thy protestatiõ would seeme a slender defence against the wrong that followed.

To this may be added, that the Aduersaries wil haue this *Oath* to conteyne only *Ciuil Obedience*, which the Subiect by the law of God oweth to the Prince; and therfore by this protestation in their iudgement, thou neyther correctest, nor excepteſt any thing, but admitteſt the whole *Oath*, & fully satisfiest their intentiõ. And what is this els but to shew thy self obediẽt to the Magistrate, & satisfy an vniust law, made in hatred, & for the abrogation of Ecclesiasticall authority.

And to small purpose is it, though thou restraineſt thy meaning to the iudgment of Catholikes: for that

there want not alſo Catholickes that through too much feare, haue yielded too farre in this matter, & ſay that all belongeth to *Ciuill Obedience*.

Finally this Proteſtation, although it might ſeeme to correct or reſtrayne the act of ſwearing: yet doth it alter nothing at all diuers other things cõteined in the forme of this *Oath*: as that he *doth belieue, acknowledge, profeſſe, deteſt &c.* ſo as albeit he that taketh this *Oath* doth proteſt that he ſweareth only ciuill obediẽce: yet doth he abſolutely receaue, acknowledge, profeſſe, & from his hart belieue all that in the forme of this *Oath* is propoſed: and he reiecteth and deteſteth as impious and hereticall that doctrine which giueth to the Pope any authority in tẽporall matters ouer Princes; which cannot be done without preiudice of fayth, & danger of eternall damnation. For it is a dãnable ſin, not only to ſweare, but alſo to profeſſe or belieue any thing cõtrary to faith. And by this it appeareth how dangerous it is in this matter to fly to theſe euaſions contrary to the example and vniuerſall practice of antiquitie.

And laſtly we muſt conſider that the endeauours of ſuch as vrge the taking of this *Oath* are not likely to ſtay heere. They make this only a ſtep to further and greater matters, if greater can be. For this being obteined, then muſt Catholikes take the *Oath of Supremacy*, & afterwards goe to the heretikes Churches, and thẽ receaue their cõmunion, or els all the reſt which you haue done ſhalbe accompted nothing.

THIRDLY, the manner of ſwearing propoſed in this *Oath* ſeemeth altogeather vnuſual & dãgerous. For Princes vſe not to require their ſubiects to auerre the truth

truth of things with an Oath; but only when it is a secret matter of fact. Neither do they compell their Subiects to sweare, that they are the true & lawful Princes; but only that they do receiue & accept them for such; & as such do promise to obey them. The truth of matters is to be sought out & cõfirmed by other meanes: only the hidden facts of men, their iudgmẽts, cogitations, & wils are to be discouered by Oath, that so constrained by a reuerẽt feare of the eternall truth, & the sacred band of an *Oath*, they may discouer that which is hidden and secret.

It may perhaps be said, that this *Oath* is to be so vnderstood only in that sense. But the proper significatiõ of the words, and the cõmon manner of speach sheweth plainly the contrary. And in these publick formes the vsuall and ordinary manner of speaking ought to be obserued. And therefore in the end of the forme of this *Oath*, it is said: *All this I do plainly & sincerely acknowledg & sweare, according to the expresse words here by me vttered, and according to the plaine and common sense & meaning of the same wordes.*

And now according *to the expresse words*, & according *to their plaine and common sense*, the *Oath* is of the thing it self: that is, that our Liege Lord King IAMES is the supreme, lawful, & true King of this Kingdom, & all other his Maiesties lands & dominions. It is one thing to say that any one is the true King: & another thing to say, that he is taken & receaued for such. And to sweare the first is dangerous, for that many things may be hidden in these cases, which we cãnot know: and the Church of Christ hath authority (ac-

cording to the doctrine of Catholiks) to make an heretical Prince incapable of the Crowne. But the ſecõd may more eaſily be ſworne: for euery one knoweth his owne mynd, & many things may be taken for that, which indeed they are not. For the common eſtimation of men is of great weight in theſe matters.

FOVRTHLY, in the forme of this *Oath*, is conteyned not only the danger of periury, but playne & abſolute periury it ſelfe; which is to affirme that with an Oath which is falſe: for heere is expreſly affirmed that which at leaſt in the iudgmẽt of all Catholikes is a manifeſt vntruth. *That the Pope hath no authority to depoſe a Prince*, nor *to diſpoſe of his dominiõs*, nor *to giue leaue to any other to inuade his Coũtrey*, nor *to abſolue his Subiects frõ their obedience*: all which is in this Booke demõſtrated to be falſe, & contrary to the doctrine of the Catholike Church: and therfore in the iudgment of Catholikes it is manifeſt periury. I wil not ſtãd here to alleadg the teſtimonies of many ancient wryters, who affirme that the Kingdoms of *Englãd* and *Ireland* payd Tribute for many ages to the Sea of *Rome*, and were acknowledged to be holden by Graunt from thence: albeit I haue not yet ſeene a ſufficient anſwere to this matter.

FIFTHLY, although the forme of this Oath were not to be vnderſtood of the Popes authority in it ſelfe: but only of the mind & iudgmẽt of the perſon that ſweareth; & that he ſhould only affirm that he acknowledged not any authority in the Pope to diſpoſe or ordaine of tẽporall matters to the preiudice of the King: yet were it vniuſt and vnlawfull.

First, for that herein is denyed & abiured the doctrine of the Catholike Church, which is already proued to belong to faith. Secondly, that doctrine is abiured which D. *Barkley* himself in the 18. Chap. of his Booke confesseth to be true, that the *Pope may vse the help of Christian Princes in defence of the Church, & giue thē right & authority to inuade & possesse the Kingdome of another*, as appeareth in this Booke nu. 134. And if the Pope can do this (as by the law of nature it is euidēt he may) how can a Catholik sweare that he acknowledgeth no such power & authority to appertaine vnto him?

Neither can it suffice, that you say you meane only, that he hath not this authority, matters standing as now they do, for that it would not be to the profit, but rather to the hurt & preiudice of the spirituall good of the Church. This is already refuted: & besides the *Oath* speaketh not of the present state, as matters now stand, but generally of all estates, in which the kingdome may at any time be hereafter in future ages.

Thirdly the forme of this *Oath* denieth all power in the Pope to excommunicate Princes; which notwithstanding both the plaine sense of Scriptures, & the perpetuall practice of the Church doth giue him. You wil say that the power to excōmunicate is not denyed, but only a certaine effect of excōmunicatiō, which is, that notwithstāding a Prince be excōmunicated, yet shal not his Subiects be released of their band of Allegiance. But this effect doth necessarily follow the sentēce of Excōmunication, as the

practice of the Church for the ſpace of more then 1200. years doth ſhew, which this Author hath manifeſtly proued in other places of his Booke.

Fourthly, the Doctrine of the Catholick Church is abiured as hereticall & impious, & conſequently all Catholick Doctours and generall Councels are condemned of hereſy & impiety. For thus ſaith the *Oath: I do furthermore ſweare, that from my hart I do abhorre, deteſt, and abiure, as impious and hereticall, that dãnable doctrine, & poſition; that Princes excõmunicated, or depriued by the Pope, may be depoſed by their ſubiects, or any other.* Therfore according to this *Oath*, all thoſe Popes, Biſhops, & Doctours, which are before alleaged in this Treatiſe, are impious, & heretikes: & among the reſt *S. Anſelme, S. Thomas, S. Bonauenture, S. Antoninus*, and as many elſe as haue flouriſhed within the ſpace of 500. yeares.

Impious alſo & hereticall, is the great Coũcell of *Lateran*, the Councels of *Lions*, of *Conſtance*, of *Lateran* againe, & of *Trent*. For none of theſe can be excuſed by ignorãce, & yet they all make profeſſiõ of this which is heere thus condẽned. And what can be ſayd more impious & hereticall? The Church therfore according to the doctrine of this *Oath*, ſhould haue byn fallen now, & fayled for the ſpace of 500. years, being contaminated & defiled with impious & heretical doctrine. I omit many things els, which follow out of this impiety, by which it is euident, that no man can frõ his hart deteſt this Catholicke Doctrine, as impious & hereticall, if he be not himſelfe already fallen deeply into hereſy and impiety.

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And to say, this clause of doctrine thus abiured, includeth also that he may be murthered (which being false, the whole clause may be condemned) is but a vaine shift. For the plaine sense of the *Oath* condemneth not only the opinion of murthering, but also of deposing: & he that taketh the Oath, abiureth both the one & the other. And were the sense ambiguous: yet could it not be taken, it being in a matter which belongeth to faith, as before hath bene shewed.

Fifthly, the Subiect is cõmanded by this *Oath* to sweare, that he belieueth and is in conscience resolued, that this *Oath* is of such force, that the Pope cannot for any cause, or vpon any occasion absolue him from it, or any part therof. In which words is included a manifest daunger of periury. And it is also denied that the Pope hath any power to absolue one from an *Oath*: which out of Scriptures, Doctours, and the practice of so many ages is euident, that the Church and the Chiefe Pastour therof can do in some cases.

There is also a danger of periury, for as much as it is almost impossible for any prudent man, especially if he be a Catholike, to belieue from his hart & to perswade himselfe that this forme of *Oath*, being wholy vnusuall, & vnheard of in former times, and so contrary to the cõmon iudgement of all Doctours, & the Decrees of many Coũcels, & the practice of the vniuersall Church; is so iust, and of so great force, that in no case, & for no cause, it can be released. And if he belieue it not from his hart, or if he doubt of it, he is periured if he sweare it.

Sixtly

Sixtly it is required that he ſweare & acknowledge *this Oath to be miniſtred vnto him lawfully with right and full authority*. In theſe words againe is conteyned no ſmall danger of periurie, for the ſame reaſon as before. And furthermore here is giuen to the Prince the Primacie & Higheſt Authority in Spirituall matters. For the authority to define and to determine, what the Pope can do, or cannot do in Spirituall matters, & of what force is his Excõmunication or Abſolutiõ from an Oath, & withall to bind the Subiects to belieue in their conſcience, and to ſweare, that they do belieue all in the ſame manner, as is propoſed vnto them, albeit it be moſt oppoſite to the common doctrine of Chriſt his Church: This authority, I ſay, may iuſtly be deemed the higheſt and ſupréme in ſpirituall matters, eſpecially it being ſuch, & ſo great, as neuer any Catholike yet durſt giue it to the Pope: & yet is it giuen by this *Oath* in expreſſe termes to a ſecular Prince.

Many other things of leſſer moment I willingly omit. But out of this which hath bene ſaid, it clearely appeareth, that his Holines had iuſt cauſe to declare & define this *Oath* to be vnlawfull, & that it can not be taken *without preiudice of Faith and perill of the Health of Soules*, for that it conteineth many thinges plainely contrary both to fayth & ſaluation. It is alſo euident that they are much miſtaken, who thinke nothing els to be conteyned in this Oath, beſides duty of Ciuill Obedience.

FINIS.

VTIFVL

AND

ESPECTIVE

NSIDERATIONS

PON FOVRE SEVERALL

DS OF PROOFE AND TRIALL

IN MATTERS OF RELIGION,

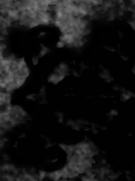
PROPOSED

High and Mighty Prince, *IAMES* King of Great
yne, France, and Ireland &c. in his late Booke
Premonition to all Christian Princes, for clearing
his Royall Person from the imputation
of Heresy.

By a late Minister and Preacher in England.

August. lib. contra Iudaeos, Pagan. & Arian. cap.

[illegible] know (deare brethren) that true faith, sincere [illegible], & perpe-
[illegible] is only by the Catholicke faith; for it is not in a corner,
[illegible] himselfe
[illegible] he [illegible] condemned as



[illegible] C. [illegible]